

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

10 MAY 2006

International application No.
PCT/EP2004/013158

Box No. II Priority

1. ☐ The following document has not been furnished:

☐ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. ☒ It has not been possible to consider the validity of the priority claim because a copy of the priority document was not available to the ISA at the time that the search was conducted (Rule 17.1). This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

4. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2-12,14
	No: Claims	1,13
Inventive step (IS)	Yes: Claims	
	No: Claims	1-14
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

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16 MAY 2006

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/013158

Reference is made to the following documents:

D1: US 6 138 011 A

D2: US 2003/0100326 A1

D3: ETSI TS 143 068 V5.2.0 (2002-12), "Digital cellular telecommunications system (Phase 2+); Voice Group Call Service (VGCS); Stage 2 (3GPP TS 43.068 version 5.2.0 Release 5)

A. Citations and explanations made in respect of paragraph V:

1. Document D1 (see in particular column 6, line 42 to column 7, line 27; Figure 1) discloses, according to all the features of claim 1, a method for transmitting text- and/or binary information (see "short message" in line 14 of column 7) in addition to voice information for a talker (see "111" in Figure 1) and at least one listener (see "107" to "110" in Figure 1) of a Voice Group Call (see in particular column 7, lines 10 to 12), comprising sending a special dedicated signal to all listeners and to the talker (see in particular column 7, lines 12 to 16 and 24 to 27).

The subject-matter of claim 1 therefore is **not new**, Article 33 (2) PCT.

It should furthermore be noted that even if the Applicant intended to argue novelty of claim 1, based on a slightly different interpretation of the features of claim 1 and those disclosed in document D1, the subject-matter of said claim would **not involve an inventive step**, Article 33 (3) PCT, having regard to the disclosure of document D1 and the normal knowledge of a person skilled in the art of mobile communication networks and related group call techniques. In this respect, reference is made to document D2 (see in particular paragraphs [0031] to [0033]; Figure 1) which discloses a similar method of transmitting binary information (on a special dedicated (control) channel) in addition to voice information (on a traffic channel) to the members of a Voice Group Call.

2. The same considerations as made in above paragraph 1 relating to lack of novelty and inventive step of claim 1 are also valid for **independent claim 13** since said claim 13 is based on the same essential feature combination as claim 1 in terms of a

claim relating to a mobile communication system.

The subject-matter of claim 13 therefore is neither new, Article 33 (2) PCT, nor does it involve an inventive step, Article 33 (3) PCT.

3. Dependent claims 2 to 12 and 14 do not contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step for the reason that the subject-matter of said claims either is in principle directly derivable from the disclosure of document D1 (see in particular column 6, line 42 to column 7, line 27; Figure 1), or represents minor technical details which are based on the general knowledge of the person skilled in the field of (GSM) mobile communication networks and related group call techniques (see eg. document D3, in particular paragraphs 4.2, 5.1 and 11.3.8; Figure 1).

Dependent claims 2 to 12 and 14 therefore do not meet the requirements of Article 33 (3) PCT.

B. Further remarks made in respect of the present application:

When entering the PCT-II phase (examination phase) or a national/regional phase, the following points should be taken into consideration:

1. Most of the features preceded by "... the ..." in claims 2, 4, 5 and 7 to 12 are not clear (Article 6 PCT) for the reason that said features have not been previously defined in said claims or in any (or all) claim(s) on which said claims respectively depend; ie. said features have no antecedent.
2. The abbreviations used in claims 4 and 7 to 12 (eg. "PtP-SMS" in claim 4 or "SM" in claim 5) are not clear (Article 6 PCT), and should therefore be disclosed in full wording upon their first occurrence in the claims.
3. It should be noted that the features in parentheses in claim 1 have no limiting effect as to the scope of the claim (see also PCT Guidelines, 5.11).

4. Claim 12 does not meet the requirements of Article 6 PCT taken in combination with Rule 6.2 (a) PCT, as it includes a reference to the description "... handled as accordingly the described procedures ...".

However, such a reference is only allowable where the reference is absolutely necessary (see also PCT Guidelines, 5.10), which is not the case here.

5. To meet the requirements of Rule 6.3 (b) PCT, any independent claim should be correctly cast in the two-part form, with those features which in combination are part of the nearest prior art (ie. document D1) being placed in the preamble.
6. Reference signs in parentheses should be inserted in all the claims to increase their intelligibility, Rule 6.2 (b) PCT. This applies both to the preamble and to the characterizing portion.
7. To meet the requirements of Rule 5.1 (a) (ii) PCT, the documents D1 to D3, which represent a relevant state of the art with regard to the present invention, should be identified in the opening part of the description and the relevant background art disclosed therein should be briefly discussed.
8. The opening part of the description should be brought into conformity with the wording of any new or amended independent claim(s), Rule 5.1 (a) (iii) PCT.
9. The attention of the Applicant is drawn to the fact that the application may not be amended in such a way that it contains subject-matter which extends beyond the content of the application as filed, Article 34 (2) (b) PCT.

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